

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

QUATRELA PATE, et al.,

Plaintiffs,

vs.

WAL-MART STORES, INC., et al.,

Defendants.

Case No. 2:12-cv-01377-JAD-PAL

**ORDER**

(Mtn to Withdraw - Dkt. #32)

This matter is before the court on the Motion to Withdraw as Counsel of Record (Dkt. #15) filed September 12, 2013. Keith E. Galliher, Jr., and Christy Lyn M. Galliher-Gagliano seek to withdraw as counsel of record for Plaintiffs Quatrella Pate and De'Jior Payne. De'Joir Payne is Ms. Pate's minor son, and she is his guardian ad litem in this litigation. The Motion represents that since the settlement conference was held on September 5, 2013, privileged communications between Plaintiffs and counsel have created an irreconcilable conflict of interest, and counsel can no longer ethically represent Plaintiffs.

Local Rule IA 10-6 provides that "no withdrawal . . . shall be approved if delay of discovery, the trial or any hearing in the case would result." Plaintiffs' complaint was filed in state court and removed to this court on August 3, 2012. *See* Petition for Removal (Dkt. #1). Discovery closed on January 30, 2013. *See* Scheduling Order (Dkt. #9). Defendant's Motion for Summary Judgment (Dkt. #21) is pending before the district judge. A settlement conference was held on September 5, 2013, and counsel was required to file a joint status report indicating whether the matter had settled by September 13, 2013. Counsel complied, and they represent no settlement was reached. *See* Joint Status Report (Dkt. #34).

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1 Having reviewed and considered the matter,

2 **IT IS ORDERED:**

- 3 1. The Motion to Withdraw as Counsel of Record (Dkt. #32) is GRANTED.
- 4 2. Plaintiffs shall have until **October 16, 2013**, in which to retain new counsel who shall
- 5 file a notice of appearance in accordance with the Local Rules of Practice or to file a
- 6 statement that they will proceed pro se.
- 7 3. Failure to comply with this order may result in a recommendation to the District Judge
- 8 for sanctions, including case-dispositive sanctions.
- 9 4. The Clerk of Court shall serve a copy of this Order on Plaintiffs at:

10 Quatrella Pate  
11 De'Jior Payne c/o Quatrella Pate, Guardian Ad Litem  
12 837 E. Thompson Blvd.  
Ventura, CA 93001

13 Dated this 16th day of September, 2013.

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16 PEGGY A. LEEN  
17 UNITED STATES MAGISTRATE JUDGE  
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